

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office NOV 13 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 28 1988 under 51890

The applicant **MICHAEL B. STEWART** hereby makes application for permission to change the **POINT OF DIVERSION, PLACE OF USE AND MANNER OF USE** of water heretofore appropriated under **PERMIT 53714**

1. The source of water is **UNDERGROUND**
2. The amount of water to be changed **.5 CFS, 361.985 AFA**
3. The water to be used for **INDUSTRIAL & DOMESTIC (POWER PLANT COOLING)**
4. The water heretofore permitted for **MINING, MILLING & DOMESTIC**
5. The water is to be diverted at the following point **SE ¼ NE ¼, SECTION 36, T.30N., R.22E., M.D.B.&M. OR AT A POINT FROM WHICH THE NE CORNER OF SECTION 4, T.29N., R.23E., M.D.B.&M. BEARS S. 77° 01' 57" E., A DISTANCE OF 17,380.0 FEET. REFERENCE IS MAP FILED UNDER PERMIT 51890.**
6. The existing permitted point of diversion is located within **THE SW ¼ NE ¼, SECTION 33, T.30N., R.23E., M.D.B.&M. AT A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 33 BEARS SOUTH 30° 09 MINUTES EAST, A DISTANCE OF 4,351 FEET. USE MAP ON FILE UNDER PERMIT 53714.**
7. Proposed place of use **LOT 2, SW ¼ NE ¼, AND SE ¼ NW ¼, SECTION 21, T.29N., R.23E., M.D.B.&M. REFERENCE IS MAP FILED UNDER PERMIT 50552.**
8. Existing place of use **SECTIONS 27, 28, 33 & 34; THE S ½ AND THE S ½ N ½ SECTION 21; AND PORTIONS OF SECTIONS 22, 26 & 35 ALL IN T.30N., R.23E., M.D.B.&M.; SECTION 3; N ½ N ½ SECTION 4 AND PORTIONS OF SECTIONS 2, 9, 10, 15, 16, ALL IN T.29N., R.23E., M.D.B.&M. REFERENCE MPA FILED UNDER PERMIT 53714.**
9. Use will be from **JANUARY 1ST to DECEMBER 31ST** of each year.
10. Use was permitted from **JANUARY 1ST to DECEMBER 31ST** of each year.
11. Description of proposed works **EXISTING DRILLED WELL, 240 FEET DEEP WITH A 14 INCH CASING AND EQUIPPED WITH A GOULD'S TWO STAGE SUBMERSIBLE PUMP, 60 H.P. MOTOR, METER AND PIPELINE TO THE PLACE OF USE.**
12. Estimated cost of works **WORKS COMPLETED UNDER PERMIT NO. 51890, ESTIMATED COST IN EXCESS OF \$30,000.00.**
13. Estimated time required to construct works **WORKS OF DIVERSION COMPLETED**
14. Estimated time required to complete the application of water to beneficial use **5 YEARS**

15. Remarks: THIS APPLICATION IS BEING FILED TO RETURN THE WATER ORIGINALLY APPROPRIATED UNDER PERMIT 51192 TO ITS ORIGINAL MANNER OF USE IN ACCORDANCE WITH THAT CERTAIN AGREEMENT DATED DECEMBER 30, 1988, BETWEEN MICHAEL B. STEWART AND AMEX GOLD, INC.

By Gregory M. Bilyeu
s/Gregory M. Bilyeu
500 Damonte Ranch Pkwy., Suite 1056
Reno, Nevada 89521

Compared sg/dl lb/dl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of the waters of an underground source as heretofore granted under Permit 53714 is issued subject to the terms and conditions imposed in said Permit 53714 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This permit is issued for the non consumptive use of water and any water diverted must be reinjected into the same groundwater source.

A plan must be submitted and approved by the State Engineer, prior to the diversion of any water allowed under this permit which shows how the water diverted will be reinjected.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed 117.955 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

May 09, 2004

Proof of completion of work shall be filed on or before:

June 09, 2004

Water must be placed to beneficial use on or before:

May 09, 2006

Proof of the application of water to beneficial use shall be filed on or before:

June 09, 2006

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 9th day of May, A.D. 2003


State Engineer

Completion of work filed MAY 19 2004

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____